

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ABBOTT GMBH & CO., KG, ABBOTT)	
BIORESEARCH CENTER, INC., ABBOTT)	C.A. No. 4:09-CV-11340 (FDS)
BIOTECHNOLOGY, LTD.)	
)	
Plaintiffs,)	JURY TRIAL DEMANDED
)	
v.)	
)	
CENTOCOR ORTHO BIOTECH, INC.,)	
CENTOCOR BIOLOGICS, LLC.)	
)	
Defendant.)	
)	

**UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL
CERTAIN EXHIBITS TO MOTION FOR LEAVE TO FILE
ABBOTT'S REBUTTAL CLAIM CONSTRUCTION BRIEF**

Pursuant to Local Rule 7.2(d), Plaintiffs Abbott GmbH & Co., KG, Abbott Bioresearch Center, Inc., and Abbott Biotechnology Ltd. (collectively “Abbott”) hereby move this Court for an order permitting Abbott to file under seal certain exhibits to Abbott’s Motion for Leave to File Abbott’s Rebuttal Claim Construction Brief Regarding the Term “Human Antibody.” Centocor does not oppose this Motion.

On April 12, 2011, Abbott plans to file a Motion for Leave to File a Rebuttal Claim Construction Brief Regarding the Term “Human Antibody” (“Motion for Leave to File Rebuttal”) and plans to attach thereto (a) as Exhibit A, a publicly redacted version of Abbott’s Rebuttal Claim Construction Brief (“Rebuttal Brief”) that omits any confidential information of the parties, (b) as Exhibit B, the Declaration of Robert J. Gunther in Support of Abbott’s Rebuttal Brief (“Gunther Apr. 12 Declaration”), and (c) as Exhibits 23 and 24 to the Gunther Apr. 12 Declaration, certain non-confidential supporting documents.

Abbott requests that a full version of the Rebuttal Brief (Exhibit A) and supporting Exhibits 22 and 25 to the Gunther Apr. 12 Decl., all of which contain confidential information of the parties, be kept under seal until further order of this Court. Abbott respectfully suggests that these documents be maintained by the Clerk of the United States District Court for the District of Massachusetts in a sealed envelope, to which shall be attached the Court's Order on Sealing.

In support of this motion, Abbott states as follows:

1. Certain supporting exhibits to Abbott's Motion for Leave to File Rebuttal, including the actual Rebuttal Brief, contain information that has been designated as confidential by Abbott or Centocor and that can only be filed under seal.
2. Abbott seeks to minimize the impact of sealing information beyond what is necessary by publicly filing a redacted version of the Rebuttal Brief (Exhibit A) and full versions of certain other non-confidential exhibits through the electronic filing system.
3. The granting of this motion is otherwise in the interest of justice.
4. A draft order permitting the filing of the documents sought to be filed under seal is attached hereto.

CONCLUSION

For the foregoing reasons, Abbott respectfully requests that this motion be granted.

Respectfully Submitted,

Dated: April 12, 2011

/s/ Robert J. Gunther, Jr.

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LOCAL RULE 7.1(A)(2) CERTIFICATION

I certify pursuant to Local Rule 7.1(A)(2) that the moving party has conferred in good faith with opposing counsel on the matter set forth herein and that opposing counsel does not oppose this motion.

/s/ Robert J. Gunther, Jr.

CERTIFICATE OF SERVICE

I certify that, on April 12, 2011, this document (filed through the ECF system) will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Robert J. Gunther, Jr.